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| APPLICATION NO.                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------|-------------|----------------------|---------------------|------------------|
| 09/855,183                      | 05/14/2001  | Ron J. Vandergest    | 10500.00.8172       | 8194             |
| 23418                           | 7590        | 10/19/2006           | EXAMINER            |                  |
| VEDDER PRICE KAUFMAN & KAMMHOLZ |             |                      | HA, LEYNNA A        |                  |
| 222 N. LASALLE STREET           |             |                      | ART UNIT            |                  |
| CHICAGO, IL 60601               |             |                      | PAPER NUMBER        |                  |
|                                 |             |                      | 2135                |                  |

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/855,183

Applicant(s)

VANDERGEEST ET AL

Examiner

LEYNNA T. HA

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 10-15 is/are allowed.
- 6) ☒ Claim(s) 6-9, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-17 are pending.
2. Claims 1-5 and 10-15 are allowed over art.  
Claims 6-9 and 16-17 remains rejected.
3. This is a Non-Final rejection.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 6-9 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmitz (US 6,078,908).**

**As per claim 6:**

Schmitz discloses a method for providing user authentication comprising: **[FIG.1]**  
receiving by an intermediate unit, from an authentication unit via a first secondary channel, an authentication code for a first unit; and **[col.6, line 65 – col.7, line 3 and 38-42; Schmitz discloses a receiver 3 or 4 is referring to the claimed intermediate unit, the authorization computer 2 refers to the claimed authentication unit, and**

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**the transaction authorization number TAN refers to claimed authentication code (col.6, lines 57-59). Schmitz discloses the authorization computer 2 generates a transaction signal such as the transaction authorization number TAN or comparable password to send to the receiver 3 or 4 along a separate transmission path (col.8, lines 25-29). ]**

re-transmitting, by the intermediate destination unit, the authentication code to the first unit via a second secondary channel in a way that is transparent to a user of the first unit. **[col.4, lines 1-5 and col.7, lines 61-64; Schmitz discloses the TAN can be furnished on the display or monitor of the data input apparatus which would be transparent to a user]**

**As per claim 7: See col.2, line 60 – col.3, line 4 and col.3, lines 54-55; discusses the step of transforming the authentication code prior to the step of re-transmitting via the second secondary channel.**

**As per claim 8:**

Schmitz discloses a method for providing user authentication comprising:

sending, by a first unit, user identification data to an authentication unit; **[col.5, lines 59-63]**

receiving a re-transmitted authentication code that was previously sent by an authentication unit to an intermediate destination unit; and **[col.6, line 65 – col.7, line 3 and 38-42; Schmitz discloses a receiver 3 or 4 is referring to the claimed intermediate destination unit, the authorization computer 2 refers to the claimed authentication unit, and the transaction authorization number TAN refers to**

**claimed authentication code (col.6, lines 57-59). Schmitz discloses the authorization computer 2 generates a transaction signal such as the transaction authorization number TAN or comparable password to send to the receiver 3 or 4 along a separate transmission path (col.8, lines 25-29). ]**

in response to receiving the re-transmitted authentication code from the intermediate destination unit, returning the authentication code to the authentication unit. [FIG.1 and col.7, lines 61-64]

**As per claim 9:** See col.6, line 65 – col.7, line 3 and 9-10; discusses the step of controlling a short range receiver to receive the re-transmitted authentication code in response to receiving notification from the authentication unit and wherein returning the authentication code to the authentication unit includes returning the authentication code in a way that is transparent to the user of the first unit.

**As per claim 16:**

Schmitz discloses an apparatus for providing user authentication comprising:  
[FIG.1]

means for receiving from an authentication unit via a first secondary channel, an authentication code for a first unit; and [col.6, line 65 – col.7, line 3 and 38-42; Schmitz discloses a receiver 3 or 4 is referring to the claimed intermediate unit, the authorization computer 2 refers to the claimed authentication unit, and the transaction authorization number TAN refers to claimed authentication code (col.6, lines 57-59). Schmitz discloses the authorization computer 2 generates a transaction signal such as the transaction authorization number TAN or

**comparable password to send to the receiver 3 or 4 along a separate transmission path (col.8, lines 25-29). ]**

means for re-transmitting the authentication code to the first unit via a second secondary channel in a way that is transparent to a user of the first unit. **[col.4, lines 1-5 and col.7, lines 61-64; Schmitz discloses the TAN can be furnished on the display or monitor of the data input apparatus which would be transparent to a user]**

**As per claim 17: See col.2, line 60 – col.3, line 4 and col.3, lines 54-55; discusses a transformation circuit that transforms the authentication code prior to re-transmitting via the second secondary channel.**

#### ***Allowable Subject Matter***

- 5.** Claims 1-5 and 10-15 are allowed.

#### ***Response to Arguments***

- 6.** Claims 6-9 and 16-17 broadly claims the intermediate unit receiving via a first secondary channel an authentication code from an authentication unit for the first unit and re-transmitting the authentication code to the first unit via a secondary channel in a way that is transparent to the user of the first unit. Claims 6-7 and 16-17 fails to further include sending, by a first unit, user identification data to an authentication unit whereby using the user identification data to determine which intermediate destination unit will receive an authentication code to be used to authenticate the user, receiving in

response to receiving the re-transmitted authentication code from the intermediate destination unit, returning the authentication code to the authentication unit and authenticating the user when the returned authentication code is determined to be suitable.

As for claims 8-9, fails to further limit using the user identification data to determine which intermediate destination unit will receive an authentication code to be used to authenticate the user, sending the authentication code to the determined intermediate destination unit based on the user identification data via a first secondary channel, and authenticating the user when the returned authentication code is determined to be suitable. Thus, claims 6-9 and 16-17 is rejected by Schmitz.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (571) 272-3851. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

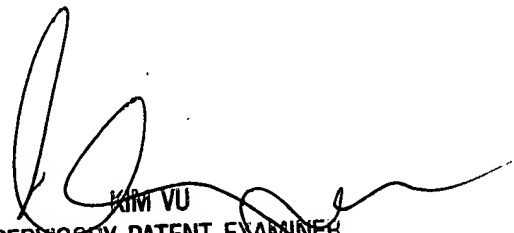
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LHa



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